

DEPARTMENT OF SOCIAL SERVICES

744 P Street, Sacramento, CA 95814



November 29, 2005

ALL COUNTY INFORMATION NOTICE NO. I-73-05

TO: ALL COUNTY WELFARE DIRECTORS
ALL COUNTY FOOD STAMP COORDINATORS

REASON FOR THIS TRANSMITTAL

- ☐ State Law Change
- ☐ Federal Law or Regulation Change
- ☐ Court Order or Settlement Agreement
- ☐ Clarification Requested by One or More Counties
- ☒ Initiated by CDSS

SUBJECT: SENATE BILL 68 AND IMPLEMENTATION OF ABLE-BODIED ADULTS WITHOUT DEPENDENTS (ABAWD) WAIVERS, WELFARE AND INSTITUTIONS CODE SECTION 19826

This All County Information Notice (ACIN) is being issued to inform counties about the impact of Senate Bill (SB) 68 on the ABAWD work requirement. SB 68 was signed by Governor Schwarzenegger on July 19, 2005. This bill changes the requirements for the implementation of ABAWD waivers. These requirements apply to all counties or areas that are eligible for ABAWD waivers.

Background

Federal law and regulations provide that counties and/or geographic areas within counties that meet specific criteria may be approved by the Food and Nutrition Service (FNS) to waive the ABAWD work requirement. Waiver approval criteria consists of the area being designated as a Labor Surplus Area (LSA) by the Department of Labor, having a recent unemployment rate above 10 percent, or an unemployment rate 20 percent greater than the national average over a two-year period.

Federal regulations at 7 CFR 273.24 (f) (1) provide that a state agency may request a waiver of the ABAWD work requirement for any portion of the state that meets one of the above criteria. Thus, states are given discretion in determining whether or not to request waivers. The California Department of Social Services (CDSS) grants this same discretion to California counties. Currently, there are nineteen full waiver counties and one partial waiver county. The waivers were effective May 1, 2005 and expire on April 30, 2006.

Counties that are not eligible or do not choose to implement an ABAWD waiver can exempt a portion of their harder to employ ABAWDs using the 15 percent exemptions. Federal law established this provision so that ABAWDs who have used their three out of 36-months and whose circumstances make it difficult to satisfy the work requirement may be granted food stamp eligibility for additional months. Counties have complete discretion in determining who among their ABAWD.

population shall be targeted to receive the 15 percent exemption as well as the number of months the exemption will be granted. Illiteracy, living in remote areas with high unemployment rates, an inability to speak, read, or write English, seasonal employment, social and emotional barriers, and temporary employment of less than 20 hours per week are examples of criteria that counties have established in determining those ABAWDs that will receive the 15 percent exemption.

Impact of SB 68

The primary change for counties with the passage of SB 68 is a procedural one. SB 68 added Section 19826 to the Welfare and Institutions Code (W&IC). This section of the W&IC states that, to the extent permitted by federal law, CDSS shall annually seek a waiver of the ABAWD work requirement for all eligible counties. This section further provides that all eligible counties shall be subject to the waiver except for those counties that submit a letter from their Board of Supervisors (BOS) indicating that they do not wish to participate in the waiver request.

Previously, counties were required to submit a letter from the County Welfare Director and their BOS requesting a waiver of the ABAWD work requirements. Under SB 68, counties are no longer required to submit this letter as the ABAWD work requirements will automatically be waived for all eligible areas unless a county declines to participate. Discretion will still be granted to counties as to whether or not they choose to implement the ABAWD waiver, as described in the section below.

Implementation

CDSS anticipates that the full implementation of SB 68 will occur by April 30, 2006. Prior to April 30, 2006, CDSS will issue a letter to eligible counties informing them of their waiver eligibility. An ABAWD waiver will automatically be granted to the eligible county unless the county submits a letter from their BOS stating that the county does not wish to participate in the 2006/07 ABAWD waiver process. CDSS will request waivers for those counties who do not decline to participate in the waiver process.

If you have any questions regarding this letter, please contact Ms. Lisa Lacy of my staff at (916) 657-1435 or by e-mail at Lisa.Lacy@dss.ca.gov.

Sincerely,

Original Document Signed By:

RIGHTON YEE, Chief
Food Stamp Branch